

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:14-cv-617-FDW**

JAMES TERRELL AUSTIN,)
Petitioner,)
v.)
STATE OF NORTH CAROLINA,)
MIKE BALL,)
Respondent.)

)

THIS MATTER is before the Court on consideration of Petitioner's pro se motion for a certificate of appealability. (Doc. No. 4). On November 14, 2014, the Court dismissed Petitioner's habeas petition which he filed pursuant to 28 U.S.C. § 2254, and declined to issue a certificate of appealability. (Doc. No. 2). On May 20, 2014, Petitioner's appeal from that Order was dismissed by the United States Court of Appeals for the Fourth Circuit and the Circuit Court declined to issue a certificate of appealability. See Austin v. State of North Carolina, No. 14-7738 (4th Cir. May 20, 2014) (unpublished). Because Petitioner has already been denied a certificate by the Fourth Circuit, Petitioner's present motion is moot.

IT IS, THEREFORE, ORDERED that Petitioner's motion for a certificate of appealability is **DISMISSED as moot**. (Doc. No. 4).

IT IS SO ORDERED.

Signed: May 20, 2015

Frank D. Whitney
Frank D. Whitney
Chief United States District Judge